

ARE WE OWNED BY THE NOSTRUMS?

Some of our members who attended the Portland meeting of the American Medical Association, will remember that Dr. Frank Billings, of Chicago, read a paper before the section on medicine on the subject of the abuses of the proprietary medicine business, which attracted some attention. We understand that the Association was threatened with legal action in case the paper should be published. Agreeably to the wishes of the *Journal A. M. A.*, the President of the Association of State Medical Journals corresponded with the editors of such journals with a view to arranging for simultaneous publication of this paper in the *Journal A. M. A.* and a number of the State journals. Some person into whose hands this correspondence has fallen, seems to have been good enough to place it before one of the nostrum manufacturers mentioned by Dr. Billings, for we have recently received letters which we take pleasure in publishing below. (Vide infra.)

Dr. Billings' remarks relating to phenalgin were based upon a report of the Committee on Chemistry of the Council on Pharmacy and Chemistry of the A. M. A., which report gave analyses of this article showing it to be composed of acetanilid 57, sodium bicarb. 29, ammonium carb. 10. This report was signed by J. H. Long, Prof. of Chemistry in the Northwestern University Medical School, W. A. Puckner, Prof. of Chemistry in the School of Pharmacy of the University of Illinois, S. P. Sadtler, Prof. of Chemistry in the Philadelphia College of Pharmacy, Julius Steiglitz, Prof. of Chemistry in the University of Chicago, H. W. Wiley, Chief of the Bureau of Chemistry of the Department of Agriculture, and Max D. Slimmer, Ph. D.

It may be safely assumed that the findings of the committee were accurate and that nothing but the truth has been said. Are we then to be held up by this nostrum manufacturer and prevented from telling the truth about the things which we are being urged, through the advertising pages of a venal medical press, to use as medicines?

New York, U. S. A., November 10, 1905.

Editor CALIFORNIA STATE JOURNAL OF MEDICINE, San Francisco, Cal. Dear Doctor: We understand that the article read by Dr. Frank Billings of Chicago, Ill., at the Portland meeting of the American Medical Association, last July, entitled "The Secret Nostrum Evil," is being sent out to a number of medical journals for publication, although it has not as yet appeared in the *Journal of the American Medical Association* of Chicago, Illinois. The enclosed copy of a letter from our attorney, Bartow S. Weeks, of New York, to Dr. George H. Simmons, editor of the *Journal of the American Medical Association*, will be interesting in this connection. Yours truly,

ETNA CHEMICAL COMPANY.

Per ALLEN H. STILL,
Secretary and General Manager.

BARTOW S. WEEKS,
Attorney and Counselor at Law,
170 Broadway, New York.

August 8, 1905.

The *Journal of the American Medical Association*, Dr. George H. Simmons, Editor, 103 Dearborn Avenue, Chicago, Ill. Dear Sir: On behalf of the Etna Chemical Company, proprietors and manufacturers of "Phenalgin," I write to call your attention to an article by Dr. Frank Billings, entitled "The Secret Nostrum Evil," read before the American Medical Association at its last meeting, at Portland, Oregon, referring to the said preparation "Phenalgin" in a manner indicating that it was a quack remedy, and improper to be prescribed by physicians. The publication in your *Journal* of any such reference to

"Phenalgin" I have advised my client would be libelous and not privileged.

I am also advised that you intend publishing a book containing formulæ in which mention is to be made of "Phenalgin." The publication of any alleged formulæ of "Phenalgin" in said book of formulæ, would be an infringement of the right of my client.

I write you therefore, to request that, in the publication of the proceedings of the Association, and in your book of formulæ, you omit entirely the name "Phenalgin," thereby avoiding the necessity for legal proceedings on this account.

Trusting to hear from you that you will refrain from the publication of any reference to "Phenalgin," as indicated, I beg to remain, Yours truly,
(Signed) BARTOW S. WEEKS.

THE SECRET NOSTRUM EVIL.*

By FRANK BILLINGS, M. D., Chicago.

I SHALL make no apology for bringing this subject before this section. Its importance to the profession of medicine and to the public justifies an exposition of the evil now. In no other country has this menace to the welfare of the people and to the best interests of scientific medicine developed as it has with us.

Probably the reason is that other countries, with one or two exceptions, protect the people against frauds in foods, medicines, etc.

Some day it is to be hoped that the Congress of the United States will enact a national pure food law which shall include the regulation of the copyrighting and exploitation of proprietary and other medicines.

Just here it will be well to say that the term "proprietary medicine" does not necessarily stamp a preparation or remedy as a nostrum. Webster says that a nostrum is "a medicine, the ingredients of which are kept secret for the purpose of restricting the profits of sale to the inventor or proprietor; a quack medicine." Some proprietary medicines are patented, or better, the process of manufacturing an article is patented. This patent protects the discoverer, or owner, in the manufacture of the medicine or drug for a period of 17 years. These preparations are ethical, in that they are not secret, for any one for a small fee may obtain from the patent office of the government a copy of the description of the process of manufacture and the actual chemical composition of any such patented drug or remedy. The chief harm which has come to us in America from the protection by patent of the process of making a chemical or drug has been the resulting high price of the product. Many of the synthetic chemical drugs, like antipyrin, phenacetin, etc., cost ten times their worth as compared with the price of the same drugs in Germany and in other countries. As stated, however, such really patented preparations are not secret; the composition is known. Some of them are of value therapeutically. Many of them are valueless. Some of them are harmful. Most of them we could easily get on without and fare better with the older, more simple remedies. Too many "made in Germany" specifics are shoved under our noses.

Now, as to the other proprietary medicines. All the so-called "patent medicines" put on the market for the public, and many of the preparations exploited to physicians and distributed by them to the public, are not patented, but are protected by a copyright or trade mark. Technically there is no difference between the secret proprietary medicines manufactured for physicians' use and the "patent medicines" exploited to the public. Both are protected by a copyright or trade mark name. Both are protected for an indefinite time. They are mixtures, as a rule, of several ingredients.

The relation of the physician to these preparations, however, is very different. Those "patent medi-

*Read in the Section on Practice of Medicine of the American Medical Association, at the Fifty-sixth Annual Session, July, 1905.